

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Harritz
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30804

FILE: B-218350

DATE: March 27, 1985

MATTER OF: Computer Technology Associates

DIGEST:

Protest filed with GAO more than 10 working days after initial adverse agency action by contracting agency on protest filed with contracting agency is dismissed as untimely. Protester's continued pursuit of protest with contracting agency does not change this result.

Computer Technology Associates (CTA) protests the exclusion of its proposal from the competitive range under request for proposals No. F056604-83-R-0028 issued by the Department of the Air Force (Air Force).

We dismiss the protest as untimely.

By letter of January 14, 1985, CTA protested to the contracting officer that the firm's proposal had been improperly eliminated from the competitive range. This protest was denied on January 23, 1985. CTA subsequently appealed the decision to Air Force Headquarters. The appeal was denied on March 7, 1985. On March 18, 1985, we received CTA's protest concerning this matter.

Under our Bid Protest Regulations, once a protest has been timely filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days after the protester receives actual or constructive notice of initial adverse agency action. See 49 Fed. Reg. 49,417, 49,420 (1984) (to be codified at 4 C.F.R. § 21.2(a)(3)). The fact that the protester continues to pursue its protest with the contracting agency does not alter this rule. Energy Master of Maryland Inc., B-215642, July 20, 1984, 84-2 C.P.D. ¶ 76. Consequently, since CTA did not file its protest with this Office within 10 working days after receipt of the contracting officer's January 23 denial of CTA's agency protest, the protest to our Office is untimely and we will not consider it on the merits. Energy Master of Maryland Inc., B-215642, supra.

A handwritten signature in black ink, appearing to read "Robert M. Strong".

Robert M. Strong
Deputy Associate General Counsel

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